

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GUDBERTO ANTONIO ASTORGA,

Petitioner,

v.

ISRAEL JACQUEZ,

Respondent.

Case No.: 3:23-cv-00853-AR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case on April 17, 2024. Judge Armistead recommended that this Court deny the above-named petitioner's Amended Petition for Writ of Habeas Corpus, ECF [5], and enter a judgment of dismissal. No party has filed objections.


A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Armistead's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Armistead's Findings and Recommendation, ECF [12]. Accordingly, petitioner's

Amended Petition for Writ of Habeas Corpus, ECF [5], is DENIED. The Court separately will enter a judgment dismissing this action.

IT IS SO ORDERED.

DATED this 16th day of May, 2024.



Adrienne Nelson
United States District Judge